

Application No.: 10/008,056
Amendment Dated July 31, 2003
Reply to Office Action dated: May 12, 2003

Attorney Docket No.: TOK00-028

REMARKS

Claims 1-18 are pending and rejected in this application.

Claims 1, 7, 8, 11, 12, 15, and 16 are amended hereby. Support for such amendments can be found, e.g, at pages 7 and 8 of the present specification and in the figures.

5 Applicant acknowledges that formal drawings will be submitted upon issuance of this application.

Responsive to the objection to drawings under 37 CFR 1.83 (a), Applicant has amended claims 11 and 12, keeping in mind the comments offered by the Examiner. The specific reference to a "valve" connecting the at least two members, as previously
10 set forth in claim 11, has been deleted from that claim. Accordingly, Applicant submits that the drawings are currently in allowable form and that the need for a drawing correction is rendered moot by the amendment of claim 11, as set forth in this response.

Responsive to the rejection of claims 1, 3, 4, 15, 17, and 18 under 35 USC § 102
15 (b) as being anticipated by U.S. Patent Number 5,634,503 (Musil et al), Applicant has amended claims 1 and 15 and submits that claims 1, 3, 4, 15, 17, and 18 are now in condition for allowance.

Claim 1, as amended, recites in part:

20 a member formed by an extrusion process, ..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extrusion process...

Similarly, claim 15, as amended, recites in part:

extruding a material so as to thereby form a member..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extruding.

Applicant submits that such an invention as set forth in each of amended claims 1 and 15 is neither taught, disclosed, nor suggested by Musil et al '503 or any of the other cited references, alone or in combination.

Musil et al '503 shows a telescoping element (Figs. 2A and 2B) of a refueling system. Three fuel conduits 240, 241, and 242 are provided within an uppermost telescoping element 251. A conduit for vapor recovery 245 and a conduit for compressed air supply 246 are also provided. A single combined fuel conduit at the manifold 249 is further supplied. As can be seen from Figs. 2A and 2B, each of conduits 240, 241, 242, and 245 are clearly separate elements and are not co-formed. Accordingly, Musil et al '503 fails to teach or suggest the present invention as set forth in either of amended claims 1 and 15.

That the member of claims 1 and 15 is formed by extrusion must be considered as part of the product limitations since the extrusion process has a direct bearing on the final product features of the member. Specifically, since the member is formed by extrusion, each of the fluid and vapor conduits are formed as integral portions of the member. Since they are integral portions of the member, there are less parts involved with the fuel delivery and vapor recovery system and therefore a reduced need for maintenance. Additionally, there are less opportunities for leaks (i.e., no solder joints

and/or seams between parts. As such, the fact that the member is extruded does indeed have a direct and critical effect on the product features of the claimed member.

For all the foregoing reasons, Applicant submits that claims 1 and 15, and those claims depending therefrom, are now in condition for allowance and hereby respectfully request that the rejection thereof based upon Musil et al '503 be withdrawn.

Responsive to the rejection of claims 1-4, 6-12, and 14-18 under 35 USC § 102 (b) as being anticipated by U.S. Patent Number 5,615,706 (Guertin), Applicant has amended claims 1, 7, 11, 12, 15, and 16 and submits that claims 1-4, 6-12, and 14-18 are now in condition for allowance.

Claim 1, as amended, recites in part:

a member formed by an extrusion process, ..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extrusion process.

In a similar manner, claim 7, as amended, recites in part:

at least two members constructed and formed by an extrusion process, ..., each said fluid conduit and said vapor conduit being integrally formed as portions of a given said member via said extrusion process.

Likewise, claim 15, as amended, recites in part:

extruding a material so as to thereby form a member..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extruding.

Applicant submits that claimed invention as set forth in each of amended claims 1, 7, and 15 is neither taught, disclosed, nor suggested by Guertin '706 or any of the other cited references, alone or in combination.

Guertin '706 discloses a coaxial break away coupling 10 that includes interfitting sections 12 and 14. When the coupler sections 12 and 14 are snapped together in the coupled position shown in Fig. 1, the support tubes 48 and 82 and the tubular poppet valve members 55 and 110 define a vapor return passage 135 in which fuel vapor flows to a vacuum pump (not shown). Liquid fuel is supplied from the dispensing pump through the coupler through an annular passage 138 defined within the tubular valve bodies 16 and 66. Thus, Guertin '706 clearly discloses that vapor return passage 135 and annular passage 138 are separately defined and are not integral portions of a same member. Accordingly, Guertin '706 fails to teach or suggest the present invention as set forth in any of amended claims 1, 7, and 15.

The arguments set forth above with respect to the effect of the extrusion process upon the product features of the claim member are deemed pertinent with respect to this rejection also.

For all the foregoing reasons, Applicant submits that claims 1, 7, and 15, and those claims depending therefrom, are now in condition for allowance and hereby respectfully request that the rejection thereof based upon Guertin '706 be withdrawn.

Responsive to the rejection of claims 1, 3-6, 15, 17, and 18 under 35 USC § 102 (e) as being anticipated by U.S. Patent Number 6,223,788 (Taylor), Applicant has amended claims 1 and 15 and submits that claims 1, 3-6, 15, 17, and 18 are now in condition for allowance.

Claim 1, as amended, recites in part:

a member formed by an extrusion process, ..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extrusion process...

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Similarly, claim 15, as amended, recites in part:

extruding a material so as to thereby form a member..., each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extruding.

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Applicant submits that such an invention as set forth in each of amended claims 1 and 15 is neither taught, disclosed, nor suggested by Taylor '788 or any of the other cited references, alone or in combination.

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Taylor '788 displays multi-compartment hoses 44 and 44a (Figs. 3 and 4). Hose 44 of Fig. 3 is partitioned and includes a first conduit 50 for conducting a first octane product; a second conduit 52 for conducting a second octane product; and a third conduit 54 for vapor recovery. Multi-compartment hose 44a includes a first conduit 50a, a second conduit 52a, and a third conduit 54a, corresponding to conduits 50, 52, and 54 of hose 44. An alternative hose 144 (Fig. 3A) is partitioned and includes a first
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conduit 150 for conducting a first octane product, a second conduit 152 for conducting a second octane product, a third conduit 154 for conducting a third octane product, and a fourth conduit for vapor recovery. Taylor provides no disclosure or suggestion as to how such multi-compartment hoses 44, 44a, and/or 144 are to be formed. Therefore, Taylor '788 fails to teach or suggest the present invention as set forth in either of claims

1 and 15, as amended, nor does it disclose or suggest the potential advantages to be gained by a multiple conduit member that is formed by an extrusion process.

For all the foregoing reasons, Applicant submits that claims 1 and 15, and those claims depending therefrom, are now in condition for allowance and hereby respectfully request that the rejection thereof based upon Taylor '788 be withdrawn.

Claims 2 and 16 stand rejected under 35 USC § 103 (a) as being unpatentable over Musil et al '503 or Taylor '788. However, claims 2 and 16 depend from claims 1 and 15, respectively. Since claims 1 and 15 are in condition for allowance for the reasons set forth above, Applicant submits that claims 2 and 16 are also in condition for allowance, the allowance of which is hereby respectfully requested.

Claims 5 and 13 are rejected under 35 USC § 103 (a) as being unpatentable over Guertin '706 in view of U.S. Patent Number 5,355,915 (Payne). However, claim 5 depends from claim 1, and claim 13 depends from claim 7. Since claims 1 and 7 are in condition for allowance for the reasons set forth above, Applicant submits that claims 5 and 13 are also in condition for allowance, the allowance of which is hereby respectfully requested.

With respect to each of the primary references applied against claim 15, it is clear that none of Musil et al '503, Guertin '706, and Taylor '788 discloses or suggests forming a multiconduit member by an extrusion process. Since claim 15 is a method claim which sets forth a step of extruding to thereby form a multiple conduit member, the manner in which the product member is formed must clearly be given patentable


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weight therein. Accordingly, Applicant submits that claim 15, and those claims depending therefrom, are now in condition for allowance over the cited art.

If the Examiner has any questions or comments that would speed prosecution of this case, the Examiner is invited to call the undersigned at 260/485-6001.

Respectfully submitted,


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RJK/mdc10

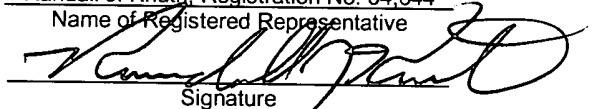
Encs: Amendments to the Claims
(4 Sheets; pp. 1-4)
Explanatory Cover Sheet Page 1
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on: July 31, 2003.

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Name of Registered Representative


Signature

July 31, 2003
Date

AMENDMENTS TO THE CLAIMS

1 (currently amended): An integrated vapor recovery and fuel delivery system for a fuel dispenser, said system comprising:

a fuel dispenser; and

a member ~~constructed from extruded material~~ formed by an extrusion process, said member being connected with said fuel dispenser, said member ~~having~~ including at least one fluid conduit ~~located in said member~~ for transporting fluid, said member ~~having~~ further including a vapor conduit ~~located in said member~~ for transporting vapor, each said fluid conduit and said vapor conduit being integrally formed as portions of said member via said extrusion process.

2 (currently amended): The integrated vapor recovery and fuel delivery system in claim 1, wherein each said ~~extruded material~~ member is formed of a metal.

3 (original): The integrated vapor recovery and fuel delivery system in claim 1, wherein said at least one fluid conduit is used for dispensing fuel.

4 (original): The integrated vapor recovery and fuel delivery system in claim 1, wherein said vapor conduit collects fuel vapor during a fueling transaction.

AMENDMENTS TO THE CLAIMS

5 (original): The integrated vapor recovery and fuel delivery system in claim 1, wherein two or more of said at least one fluid conduits are connected to a meter.

6 (original): The integrated vapor recovery and fuel delivery system in claim 1, wherein two or more of said at least one fluid conduits are connected to each other utilizing a valve.

7 (currently amended): An integrated vapor recovery and fuel delivery system for a fuel dispenser, said system comprising:

A¹ a fuel dispenser; and

at least two members constructed ~~from extruded material~~
5 ~~constructed and formed by an extrusion process, said members~~
~~being connected~~ with said fuel dispenser, said members each
having at least one fluid conduit ~~located in said members~~ for
transporting fluid, each of said members further having a vapor
conduit ~~located in said members~~ for transporting vapor, each
10 said fluid conduit and said vapor conduit being integrally formed
as portions of a given said member via said extrusion process.

8 (currently amended): The integrated vapor recovery and fuel delivery system in claim 7, wherein each said ~~extruded material member~~ is formed of a metal.

AMENDMENTS TO THE CLAIMS

9 (original): The integrated vapor recovery and fuel delivery system in claim 7, wherein said at least one fluid conduit for each of said members is used for dispensing fuel.

10 (original): The integrated vapor recovery and fuel delivery system in claim 7, wherein said vapor conduit transports fuel vapor for each of said members.

Pl 11 (currently amended): The integrated vapor recovery and fuel delivery system in claim 7, wherein said at least two members are connected to one another ~~utilizing a valve~~.

12 (currently amended): The integrated vapor recovery and fuel delivery system in claim 7 11, wherein said at least two members are connected to one another utilizing an adapter.

13 (original): The integrated vapor recovery and fuel delivery system in claim 7, wherein said at least two members are connected to a meter.

14 (original): The integrated vapor recovery and fuel delivery system in claim 12, wherein said adapter contains at least one of a valve, a meter, and a continuation of said at least one fluid conduit and said vapor conduit.

AMENDMENTS TO THE CLAIMS

15 (currently amended): A method of integrating a vapor recovery and fuel delivery system for a fuel dispenser, said method comprising:

~~constructing~~ extruding a material so as to thereby form a
member ~~from extruded material~~ having at least one fluid conduit
for dispensing fluid ~~located in said member~~ and having a vapor
conduit for collecting vapor, each said fluid conduit and said
vapor conduit being integrally formed as portions of said member
via said extruding ~~located in said member.~~

16 (currently amended): The method of integrating a vapor recovery and fuel delivery system in claim 15, wherein said extruded material is ~~formed from a~~ metal.

17 (original): The method of integrating a vapor recovery and fuel delivery system in claim 15, comprising the step of transporting fuel through said at least one fluid conduit.

18 (original): The method of integrating a vapor recovery and fuel delivery system in claim 15, comprising the step of transporting fuel vapor through said vapor conduit.
